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3738/4

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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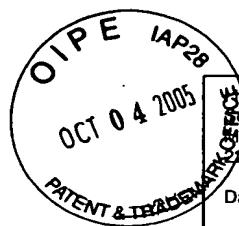
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| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number     | 10/010140-Conf. #4761     |
|   | Filing Date            | December 6, 2001          |
|   | First Named Inventor   | Staale Petter LYNGSTADAAS |
|   | Art Unit               | 3738                      |
|   | Examiner Name          | D. J. Isabella            |
| Total Number of Pages in This Submission  | Attorney Docket Number | AWZ-003RCE                |

| ENCLOSURES (Check all that apply)   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment/Reply<br><br><input type="checkbox"/> After Final<br><br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____<br><br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Return Receipt Postcard<br>Copies of Seven (7) References |
| <div>Remarks</div>  |   |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |                         |          |        |
|--|-------------------------|----------|--------|
| Firm Name                                  | LAHIVE & COCKFIELD, LLP |          |        |
| Signature                                  |                         |          |        |
| Printed name                               | Elizabeth A. Hanley     |          |        |
| Date                                       | September 27, 2005      | Reg. No. | 33,505 |

|  |                                   |
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| Dated: September 27, 2005  | Signature:  (Elizabeth A. Hanley) |



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Dated: September 27, 2005 Signature:

(Elizabeth A. Hanley)

Docket No.: AWZ-003RCE  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Staale Petter Lyngstadaas *et al.*

Application No.: 10/010140

Confirmation No.: 4761

Filed: December 6, 2001

Art Unit: 3738

For: MEDICAL PROSTHETIC DEVICES AND  
IMPLANTS HAVING IMPROVED  
BIOCOMPATIBILITY

Examiner: D. J. Isabella

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

Applicant has not submitted copies of each cited U.S. patent and U.S. patent application as required by 37 CFR 1.98(a)(2)(i), amended October 2004, as the U.S. Patent and Trademark Office has waived this requirement for all U.S. patent applications. Applicant submits herewith copies of foreign and non-patents in accordance with 37 CFR 1.98(a)(2).

10/05/2005 HDESTA1 00000019 120080 10010140

01 FC:1806 180.00 DA

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

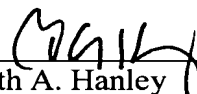
It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

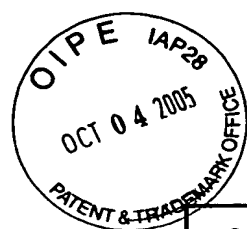
Please charge our Deposit Account No. 12-0080 in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. AWZ-003RCE. A duplicate copy of this paper is enclosed.

Dated: September 27, 2005

EAH/MLR

Respectfully submitted,

By   
Elizabeth A. Hanley  
Registration No.: 33,505  
LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
(617) 227-7400  
(617) 742-4214 (Fax)  
Attorney/Agent For Applicant



PTO/SB/08a/b (07-05)  
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| <b>Substitute for form 1449A/B/PTO</b><br><br><b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |   |    |   | <b>Complete if Known</b> |                          |
|   |   |    |   | Application Number       | 10/010140-Conf. #4761    |
|   |   |    |   | Filing Date              | December 6, 2001         |
|   |   |    |   | First Named Inventor     | Staale Petter LYGSTADAAS |
|   |   |    |   | Art Unit                 | 3738                     |
|   |   |    |   | Examiner Name            | D. J. Isabella           |
| Sheet   | 1 | of | 1 | Attorney Docket Number   | AWZ-003RCE               |

| U.S. PATENT DOCUMENTS |                       |   |                                |  |   |
|-----------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials*    | Cite No. <sup>1</sup> | Document Number<br>Number-Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|                       | A1*                   | US-6,627,321  | 09-30-2003                     | Ellingsen et al.                                   |   |
|                       | A2*                   | US-4,542,539  | 09-24-1985                     | Rowe, Jr. et al.                                   |   |
|                       | A3*                   | US-5,383,935  | 01-24-1995                     | Shirkhanzadeh                                      |   |

| FOREIGN PATENT DOCUMENTS |                       |  |                                |  |   |                |
|--------------------------|-----------------------|--|--------------------------------|--|---|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document<br>Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages or Relevant<br>Figures Appear | T <sup>6</sup> |
|                          | B1                    | EP 0212929-A2  | 03-04-1987                     | Hama, Masaaki et al.                               |   |                |
|                          | B2                    | EP 0264354-A2  | 04-20-1988                     | Shimamune, Takayuki et al.                         |   |                |
|                          | B3                    | RU 2074674-C1  | 03-10-1997                     | Ljasnikov, V.N. et al.                             |   | Abstr.         |

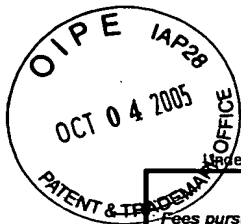
\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those application(s) which are marked with an single asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS |                       |   |  |                |
|---------------------------------|-----------------------|---|--|----------------|
| Examiner Initials               | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. |  | T <sup>2</sup> |
|                                 | C1                    | Aronsson, B.-O et al., "Hydrogen desorption from sand-blasted and acid-etched titanium surfaces after glow-discharge treatment," <i>Journal of Biomedical Materials Research</i> , Vol. 54:20-29 (2001)   |  |                |
|                                 | C2                    | Taborelli, M. et al., "Influence of surface treatments developed for oral implants on the physical and biological properties of titanium," <i>Clinical Oral Implants Research</i> , Vol. 8:208-216 (1997)   |  |                |
|                                 | C3                    | Conforto, E. et al., "Crystallographic properties and mechanical behaviour of titanium hydride layers grown on titanium implants," <i>Philosophical Magazine</i> , Vol. 84(7):631-645 (March 2004)  |  |                |
|                                 | C4                    | CRC Handbook, 68th Edition, p. D-146.*  |  |                |

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

|                    |  |                 |  |
|--------------------|--|-----------------|--|
| Examiner Signature |  | Date Considered |  |
|--------------------|--|-----------------|--|



|   |      |                          |                          |
|---|------|--------------------------|--------------------------|
| <b>FEE TRANSMITTAL</b><br><b>For FY 2005</b>  |      | <b>Complete if Known</b> |                          |
|   |      | Application Number       | 10/010140-Conf. #4761    |
|   |      | Filing Date              | December 6, 2001         |
|   |      | First Named Inventor     | Staale Petter LYNSTADAAS |
|   |      | Examiner Name            | D. J. Isabella           |
|   |      | Art Unit                 | 3738                     |
|   |      | Attorney Docket No.      | AWZ-003RCE               |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 |      |                          |                          |
| TOTAL AMOUNT OF PAYMENT   | (\$) | 180.00                   |                          |

|   |   |
|---|---|
| <b>METHOD OF PAYMENT</b> (check all that apply)   |   |
| <input type="checkbox"/> Check  | <input type="checkbox"/> Credit Card  |
| <input type="checkbox"/> Money Order  | <input type="checkbox"/> None   |
| <input type="checkbox"/> Other (please identify): _____   |   |
| <input checked="" type="checkbox"/> Deposit Account   | Deposit Account Number: 12-0080   |
| Deposit Account Name: Lahive & Cockfield, LLP   |   |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)                |   |
| <input checked="" type="checkbox"/> Charge fee(s) indicated below   | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |
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|   |                     |   |                    |                      |                                  |                       |                       |
|---|---------------------|---|--------------------|----------------------|----------------------------------|-----------------------|-----------------------|
| <b>FEE CALCULATION</b>  |                     |   |                    |                      |                                  |                       |                       |
| <b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>  |                     |   |                    |                      |                                  |                       |                       |
|   | <b>FILING FEES</b>  |   | <b>SEARCH FEES</b> |                      | <b>EXAMINATION FEES</b>          |                       |                       |
|   |                     | <b>Small Entity</b>                                     |                    | <b>Small Entity</b>  |                                  | <b>Small Entity</b>   |                       |
| <b>Application Type</b>   | <b>Fee (\$)</b>     | <b>Fee (\$)</b>   | <b>Fee (\$)</b>    | <b>Fee (\$)</b>      | <b>Fee (\$)</b>                  | <b>Fee (\$)</b>       | <b>Fees Paid (\$)</b> |
| Utility   | 300                 | 150   | 500                | 250                  | 200                              | 100                   |                       |
| Design  | 200                 | 100   | 100                | 50                   | 130                              | 65                    |                       |
| Plant   | 200                 | 100   | 300                | 150                  | 160                              | 80                    |                       |
| Reissue   | 300                 | 150   | 500                | 250                  | 600                              | 300                   |                       |
| Provisional   | 200                 | 100   | 0                  | 0                    | 0                                | 0                     |                       |
| <b>2. EXCESS CLAIM FEES</b>   |                     |   |                    |                      |                                  |                       |                       |
|   |                     |   |                    |                      |                                  | <b>Small Entity</b>   |                       |
| <b>Fee Description</b>  |                     |   |                    |                      |                                  | <b>Fee (\$)</b>       | <b>Fee (\$)</b>       |
| Each claim over 20 (including Reissues)   |                     |   |                    |                      |                                  | 50                    | 25                    |
| Each independent claim over 3 (including Reissues)  |                     |   |                    |                      |                                  | 200                   | 100                   |
| Multiple dependent claims   |                     |   |                    |                      |                                  | 360                   | 180                   |
| <b>Total Claims</b>   |                     | <b>Extra Claims</b>                                     | <b>Fee (\$)</b>    | <b>Fee Paid (\$)</b> | <b>Multiple Dependent Claims</b> |                       |                       |
| _____   |                     | _____   | x _____            | = _____              | <b>Fee (\$)</b>                  |                       | <b>Fee Paid (\$)</b>  |
| <b>Indep. Claims</b>  |                     | <b>Extra Claims</b>                                     | <b>Fee (\$)</b>    | <b>Fee Paid (\$)</b> |                                  |                       |                       |
| _____   |                     | _____   | x _____            | = _____              |                                  |                       |                       |
| <b>3. APPLICATION SIZE FEE</b>  |                     |   |                    |                      |                                  |                       |                       |
| If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). |                     |   |                    |                      |                                  |                       |                       |
| <b>Total Sheets</b>   | <b>Extra Sheets</b> | <b>Number of each additional 50 or fraction thereof</b> |                    | <b>Fee (\$)</b>      | <b>Fee Paid (\$)</b>             |                       |                       |
| _____   | _____               | /50 _____ (round up to a whole number) x _____          |                    | = _____              |                                  |                       |                       |
| <b>4. OTHER FEE(S)</b>  |                     |   |                    |                      |                                  |                       |                       |
| Non-English Specification, \$130 fee (no small entity discount)   |                     |   |                    |                      |                                  | <b>Fees Paid (\$)</b> |                       |
| Other (e.g., late filing surcharge): 1806 Submission of an Information Disclosure Statement   |                     |   |                    |                      |                                  | 180.00                |                       |

|                     |                     |                                   |                    |
|---------------------|---------------------|-----------------------------------|--------------------|
| <b>SUBMITTED BY</b> |                     |                                   |                    |
| Signature           |                     | Registration No. (Attorney/Agent) | 33,505             |
| Name (Print/Type)   | Elizabeth A. Hanley | Telephone                         | (617) 227-7400     |
|                     |                     | Date                              | September 27, 2005 |

|  |                                   |
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Application No. (if known): 10/010140

Attorney Docket No.: AWZ-003

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Date

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Elizabeth A. Hanley

Typed or printed name of person signing Certificate

33,505  
Registration Number, if applicable

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Telephone Number

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Transmittal (1 page)  
Fee Transmittal (1 page in duplicate)  
Information Disclosure Statement (2 pages)  
Form PTO/SB/08 ( page)  
IDS (Citation) by Applicants (7 References)  
Copies of Four (4) References  
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